



**CITY OF GLOUCESTER
Conservation Commission**

March 1, 2023

6:00 P.M.

Kyrouz Auditorium - 9 Dale Ave, Gloucester

Robert Gulla, Chair

MINUTES

Members Present: Co-Chair Ann Jo Jackson Co-Chair Robert Gulla, Dave Sargent, Robert Sherman, Barry Gradwohl, Linda Charpentier, and Bill Cook.

Staff: Chuck Schade, Conservation Agent

Meeting was called to order at 6:00; call of Commissioners commenced.

I. ADMINISTRATIVE BRIEFING

Conservation Agent Chuck Schade mentioned the changes to the floodplain ordinance were passed by City Council and will go into effect on June 1st, 2023. This means residential properties being constructed in a V zone need to have a building permit by June 1st to be in compliance. It also applies to residential structures on AE zones.

Member Cook asked if this applied to the Land Subject to Coastal Storm Flowage.

Mr. Schade said yes, this is the flood zone.

Member Cook mentioned he is a supporter of putting houses on pilings, or piers.

Mr. Schade said the changes are in regards to the percentage of the building footprint within the flood zone.

II. PUBLIC COMMENT

III. MINUTES REVIEW AND APPROVAL

February 15, 2023

Member Charpentier made a motion to accept the minutes as amended for February 15, 2023; Member Gradwohl seconded and was approved by Members Jackson, Charpentier, Sargent, Sherman and Cook.

V. CONTINUED BUSINESS

NOI 028-2827 – 105 Wingaersheek Road, Lots A & B (105 Wingaersheek LLC)
Removal of existing SFH, and construction of two SFH, two septic system, two boardwalks, and additional driveway in Coastal Dune and LSCSF.

Applicant requested to continue the project until the meeting of March 15th.

NOI 028-2884 – 284 Atlantic Road (Stephen Klause) *Construction of a retaining wall in an existing yard and removal of a deteriorated field stone wall in Coastal Bank, Coastal Beach and LSCSF.*

Applicant requested to continue the project until the meeting of April 5th.

Member Charpentier moved to continue the hearing for **NOI 028-2884** at 284 Atlantic Rd to the meeting of April 5th; Member Gradwohl seconded and was approved unanimously.

NOI 028-2900- 337 Concord Street (Jeffrey Roberts) *Construction of farm pond for irrigation and fire protection within Buffer Zone to Bordering Vegetated Wetland and ACEC.*

Member Cook recused himself.

Mr. Schade said Mr. Capachietti will be late this evening, so they will hear this later in the meeting.

Member Jackson moved to continue the hearing for **NOI 028-2900** at 337 Concord Street to the meeting of March 15th; Member Charpentier seconded and was approved unanimously.

AMD NOI 028-2753 - 227 Atlantic Road (Anthony Gagliardi) Amendment to include updated power service route in BVW and Buffer Zone to Bordering Vegetated Wetland. Michael Seekamp, Seekamp Environmental Consulting, Inc.

Request to withdraw without prejudice. Planning to file NOI.

Member Charpentier moved to withdraw **AMD NOI 028-2753** at 227 Atlantic Rd to the meeting of April 5th; Member Gradwohl seconded and was approved unanimously.

NOI 028-2901 - 27 & 29 Dennison Street (Jonathan Katz) Conversion of existing garage to accessory dwelling unit, and additions to SFH in Riverfront Area, Buffer Zone to Coastal Resource Area and LSCSF.

Member Cook recused himself.

Joel Favazza, Seaside Legal Solutions, represented the applicant. Mr. Favazza explained the project is to construct a single story bath addition to the East side of the house, a single story bedroom addition to the West side of the house, and to expand the deck in the rear of the house. He explained the project is to incorporate first floor living for the residents as well as to convert the existing garage into an accessory dwelling unit. Mr. Favazza said the work is happening in the Land Subject to Coastal Storm Flowage and the Coastal Bank, and the garage work is half in these resource areas, and the entire site is in the Riverfront Area. He mentioned at the last meeting the Commission wanted to see more detailed information regarding the existing footprint of the structure as well as additional mitigation measures. He displayed a table on the screen which explained the existing footprint of the house and garage and showed the increased area. The total increased footprint is 211 sqft, and the proposed mitigation is a 2:1 ratio with a total of 422 sq ft. The applicant proposes to remove the impervious path and replace it with pervious pea stone, and remove the brush along the side of the garage and replace it with native plantings, and remove the turf lawn and replace it with native plantings, the total square footage of this area is 428 sq ft. Mr. Favazza displayed the site plan on the screen and explained the footprint of the impervious areas. He mentioned the work is happening within the Coastal Bank but it does not impact the function of the Coastal Bank. Mr. Favazza explained the Riverfront performance standards per the Wetlands Protection Act. He mentioned the project impacts less than 10% of the existing degraded area. He displayed the proposed mitigation plan on the screen which displayed the proposed removal of the path, turf lawn, and brush and the addition of the native plantings, which totals in 428 sq ft of mitigation. He displayed photos of the proposed mitigation areas which included the slate walkway, and turf lawn, and the brush removal. He explained the applicants already removed a portion of the front lawn and planted new shrubs here, but at the previous meeting the Commission mentioned this work does not count towards the overall mitigation for the proposed project. He also showed a picture of the coastal bank and explained they didn't want to plant anything in this area due to the sensitivity of the area.

Member Jackson opened and closed the project comment period.

ROLL CALL FOR COMMISSION COMMENTS:

Member Charpentier said she appreciated the update plan and presentation.

Member Sargent said he wasn't sure if the proposed pea stone paveway is a real improvement of the Riverfront Area

Member Sherman said the elimination of the lawn would be favorable, but he can't imagine what would be planted on the left side of the path and survive in such a narrow place.

Conservation Agent Chuck Schade mentioned he thought there was confusion regarding the 10% rule for the Riverfront area. He wanted to clarify that it's not that you're allowed to increase the impacts by 10% of what's already there but it's that 10% of the Riverfront area is already degraded due to the existing structure so anything beyond the 10% needs to be mitigated for. He said he agrees with Member Sargent, in that the pea stone allows for water filtration but does not provide more habitat than the slate pavers do. He said moving the garden behind the garage closer to the road so then you can have that space to plant native plantings closer to the resource which would help improve the area.

Mr. Favazza said read 310 CMR 10.58, the Riverfront Area performance standards. He said he believed the project fell under the redevelopment category. Mr. Favazza mentioned the proposed expansions are minimal and they are trying to find every space where they can improve. He said it was unfortunate that the applicants removed the asphalt and turf lawn in the front yard prior to the meeting because that should count towards their mitigation efforts. He mentioned that the Commission has discretion and they should consider this. He said in regards to the garden, they were trying to avoid messing with anything near the coastal bank. But he said if this is what it takes to get an Order then they would consider it but originally they did not think this was the best idea.

Member Jackson asked if they don't do the pea stone path then what would be the mitigation ratio

Mr. Favazza said then they are at a ratio of 1.5:1 without the path.

Member Jackson said she is inclined to give credit for the work that was done to remove the asphalt and lawn in the front yard. She asked how other Commissioners felt about it.

Member Charpentier said she agrees.

Member Gradwohl also agrees.

Member Sargent said he will agree with a two year monitoring period for the plantings.

Member Sherman said he agrees.

Member Charpentier moved to close the public hearing for **NOI 028-2901 at 27 & 29 Dennison Street**; Member Gradwohl seconded the motion and was approved unanimously.

Member Charpentier moved to approve **NOI 028-2901 at 27 & 29 Dennison Street**; Member Gradwohl seconded the motion and was approved unanimously.

NOI 028-2903 - 53 Wingersheek Road (Richard Schafer) *Construction of garage to a SFH and gravel driveway in Buffer Zone to Coastal Resource Area and LSCSF.*

Member Cook and Member Gulla joined the meeting.

Member Cook recused himself.

Kristan Farr, Hancock Associates, represented the applicant. Ms. Farr explained they submitted a new plan that showed the mitigation areas, which is a 1:1 ratio. She explained they decided on the area adjacent to the garage, which would be ~570 sq ft of mitigation plantings. This area would be slightly destabilized due to the grading, so they thought this would be an ideal location for the mitigation area. They proposed to plant 10 beach plums, 10 bearberry, and 350 American beach grass plugs which would cover the 570 sq ft. Ms. Farr explained they also propose to put snow fencing in the graded area to help with stabilization and replant any native vegetation that is removed during construction, and they plan to keep the existing pine tree that's growing in the area.

Member Jackson opened and closed the project comment period.

ROLL CALL FOR COMMISSION COMMENTS:

Member Sargent said he would prefer a 2:1 mitigation ratio and the garage needs to remain an uninhabitable space unless the Board of Health signs off.

Mr. Schade said plantings closest to the resource area are always best but agrees stabilizing the slope is a good idea.

Member Jackson asked Ms. Farr if they could plant native species closer to the resource area.

Ms. Farr said she thought this was possible and asked if they were thinking of beach grass plugs.

Member Jackson said yes.

Member Charpentier moved to close the public hearing for **NOI 028-2903** at 53 Wingersheek Road; Member Gradwohl seconded the motion and was approved unanimously.

Member Charpentier moved to approve **NOI 028-2903** at 53 Wingersheek Road; Member Gradwohl seconded the motion and it was approved unanimously.

NOI 028-2910 - 20R Edgemoor Road (Marie Powers) Construction of a leaching field in Buffer Zone to Vegetated Wetland.

Member Cook recused himself.

Tyler Judd, Gateway Consultants, Inc, represented the applicant. He explained the project was presented at the previous meeting and they were solely waiting for the NOI number.

Member Jackson opened and closed the project comment period.

ROLL CALL FOR COMMISSION COMMENTS:

Member Charpentier moved to close the public hearing for **NOI 028-2910** at 20R

Edgemoor Road; Member Gradwohl seconded the motion and was approved unanimously.

Member Charpentier moved to approve **NOI 028-2910** at 20R Edgemoor Road; Member Gradwohl seconded the motion and it was approved unanimously.

Bill Cook returned to the meeting.

V. NEW BUSINESS

RDA 1760 - 18A & 18R Beckford Street and 4, 6 & 10 Green Street (Michael Hale City of Gloucester) *Renovation of existing ball field and installation of new amenities within proximity to Isolated Wetland areas.*

Lisa Carrozza, Tetra Tech, represented the applicant. Ms. Carrozza explained the site is currently being utilized as a ball field and the wetland resources are not on the project site. She explained there are two isolated wetland areas north of the Gloucester Crossing Rd and two south of the ball field. She explained these areas do not qualify for isolated land subject to flooding. The two areas south of the ball field only met one of the requirements for the isolated land subject to flooding. She explained why the project is an RDA not an NOI. Ms. Carrozza explained they will install a silt fence along the boulder field.

Member Gulla opened the public comment period.

Patti Amaral asked when the school was proposed in this location, Rick Roth spoke about salamanders living in this location. Ms. Amaral asked how the field is different from the school and wants to know how it will impact the salamanders and is wondering about the access point to the field.

Member Gulla closed the project comment period.

ROLL CALL FOR COMMISSION COMMENTS:

Member Sherman wanted to know if Mr. Schade thought these areas could be potential vernal pools.

Mr. Schade said the pools of water could definitely be acting as habitat for wildlife. But he explained the field is already existing and they are adding new amenities to it and that shouldn't impact the potential habitat.

Ms. Carrozza said if there were endangered species within the isolated wetlands then they would be located within the wooded section of the area. She explained they are not going to be entering this area; the work is solely taking place on the existing ball field.

Member Jackson moved to close the public hearing for **RDA 1760 - 18A & 18R Beckford Street and 4, 6 & 10 Green Street**; Member Charpentier seconded the motion and was approved unanimously.

Member Jackson moved for a negative determination of **RDA 1760 - 18A & 18R**

Beckford Street and 4, 6 & 10 Green Street; Member Charpentier seconded the motion and was approved unanimously.

RDA 1755 - 181 Hesperus Avenue (Patrick Scully) *Replace and expand existing deck in Riverfront Area.*

Thomas Williams, TJ Construction represented the applicant, he explained the building inspector told him the deck located on the property was unsafe and needed to be removed immediately. Mr. Williams said he then went to the Conservation Department and was asked to submit the letter from the building department stating the structure was unsafe. He explained he installed the silt barrier and Mr. Schade saw the erosion control measures. He said he installed new footings for the new deck and back filled the area.

Member Gulla opened and closed the project comment period.

ROLL CALL FOR COMMISSION COMMENTS:

Member Cook asked for clarification for the size of the deck.

Mr. Williams said the deck is 12 X 16.

Member Gradwohl asked for clarification regarding the precast footings, and why there was dirt brought in.

Mr. Williams said he placed crushed stone in the footings and put the PVC footing pads and poured 10in sonotubes, opposed to the precast ones because of the depth.

Member Sargent said he does not have any comments as long as the deck is not being expanded

Member Jackson asked if the supports are the same size

Mr. Williams said the supports were not up to code, and they were only down about 1 foot. He explained he had to go down 4ft.

Member Gulla asked what the diameter of the sonotubes were?

Mr. Williams said they were 10in and 8in.

Member Jackson said the blocks take up a lot of room and it doesn't seem like any additional impact from the sonotubes.

Mr. Schade said he would like the wattle to stay in place until the ground is stabilized because they are close to the creek.

Member Jackson moved to close the public hearing for **RDA 1755 - 181 Hesperus Avenue**; Member Charpentier seconded the motion and was approved unanimously.

Member Jackson moved for a negative determination of **RDA 1755 - 181 Hesperus Avenue**; Member Charpentier seconded the motion and was approved unanimously.

RDA 1758 - 47 Salt Island Road (Deb and Dave Bondy) *Renovation of second floor and addition of third floor to SFH in Buffer Zone to Coastal Resource Area.*

Jason O'Conner, Bach Builders, represented the applicant. He explained they are proposing to renovate the second floor of the single family home and add a third floor all within the same footing of the current building. He said they are wondering if they are subject to the Wetlands Protection Act. Mr. O'Conner said they are within the Buffer Zone to the Coastal Resource Area but they are out of the flood zone (land subject to coastal storm flowage). He also mentioned he believed the site plan showing the location of the dumpster was submitted and they will also follow BMPs to ensure no debris enters the water.

Member Gulla opened and closed the project comment period.

ROLL CALL FOR COMMISSION COMMENTS:

Member Gulla asked for documentation for the dumpster and silt fence on the site plan.

Member Charpentier agrees and wants a detailed plan.

Member Cook said he is okay if they submit an updated plan, and the dumpster needs to be covered at night.

Member Gradwohl agrees with Member Cook.

Member Sargent agrees with Member Cook and Gradwohl.

Member Sherman agrees with Member Gulla.

Member Gulla is okay with documenting the dumpster location on a newly submitted site plan.

Member Jacksons agrees with the other Commissioner and said daily site clean up needs to be required as well as the covering of the dumpster and an updated site plan showing the location.

Member Jackson moved to close the public hearing for **RDA 1758 - 47 Salt Island Road**; Member Charpentier seconded the motion and was approved unanimously.

Member Jackson moved for a negative determination of **RDA 1758 - 47 Salt Island Road**; Member Charpentier seconded the motion and was approved unanimously.

RDA 1759 - 55 Dennison Street (Margaret Harries) *Replacement of existing deck in Riverfront Area, Buffer Zone to Coastal Resource Area, and Land Subject to Coastal Storm Flowage.*

Tyler Judd, Gateway Consultants, Inc, represented the applicant. Mr. Judd explained the proposal is to replace the existing deck with a new deck. He explained the deck is currently at the same elevation at the top of the basement. The proposed deck would be elevated to the first floor elevation instead of the basement elevation and the existing footings would be utilized for the new deck. He explained they would install a silt fence

to control any sediment runoff.

Member Gulla opened and closed the project comment period.

ROLL CALL FOR COMMISSION COMMENTS:

Member Sherman asked if the lower deck was the only deck being worked on, and not the one closer to the cove and the mature trees.

Mr. Judd explained that it's just the lower deck being raised up.

Member Cook asked what will be underneath the proposed deck and if it's going to be a patio or gravel

Mr. Judd said there is no proposal for a patio or anything else.

Member Jackson moved to close the public hearing for **RDA 1759 at 55 Dennison Street**; Member Charpentier seconded the motion and was approved unanimously.

Member Jackson moved for a negative determination of **RDA 1759 at 55 Dennison Street**; Member Charpentier seconded the motion and was approved unanimously.

RDA 1761 - 35 Dennison Street (Judith Hughes) *Construction of a second floor addition to a SFH in Riverfront Area, Buffer Zone to Coastal Resource Area, and LSCSF.*

Judith Hughes, property owner, explained the proposal is to construct a second floor addition on their existing home, for an office and studio space. She said the carpenter removes all the materials the same day and does not use a dumpster. She explained there will be no disturbance to the soil or vegetation.

Member Gulla opened and closed the project comment period.

ROLL CALL FOR COMMISSION COMMENTS:

Member Sherman wanted to ensure no material coming off the roof removal would end up in the cove.

Member Jackson agrees with Member Sherman and would suggest daily site clean up.

Member Jackson moved to close the public hearing for **RDA 1761 at 35 Dennison Street**; Member Charpentier seconded the motion and was approved unanimously.

Member Jackson moved for a negative determination of **RDA 1761 at 35 Dennison Street**; Member Charpentier seconded the motion and was approved unanimously.

RDA 1762 - 32 Horton Street (Ocean Alliance, Inc.) *Sewer Connection in Buffer Zone to Coastal Resource Area and LSCSF.*

Evin Guvendiren, DeRosa Environmental Consulting, Inc, represented the applicant. Ms. Guvendiren said John Morin, of the Morin Cameron Group, is also on the call. She explained the site is on Rocky Neck and the project is to construct a sewer connection

from the site at 32 Horton Street through the driveway up Horton Street and to the intersection of Clarendon Street and Wonson Street. A 2-3 ft wide trench would be dug to install the underground utilities and a silt sock would be installed on the resource side of the work area. Ms. Guvendiren explained all the material from the trench would be above grade of the trench in the event of a rain event the material would fall back into the trench. She mentioned the trenches will be backfilled the same day so the site will be returned to the original conditions. She explained the project will be taking place in the land subject to coastal storm flowage and the coastal bank. They also submitted the plans to the DPW and City Engineer and they had no comments other than asking if Ocean Alliance will be responsible for future maintenance and ownership of the sewer connection.

Member Gulla opened and closed the project comment period.

ROLL CALL FOR COMMISSION COMMENTS:

Member Sargent said he was happy to see a soil management plan and asked if they were abandoning an onsite cesspool per the regulations 310 CMR 15.00.

John Morin, of the Morin Cameron Group, said there is a tight tank on site, and it's going to be converted over to a pump chamber.

Member Gulla said he supports a sewer hookup so close to a resource area.

Member Jackson moved to close the public hearing for **RDA 1762 at 32 Horton Street**; Member Charpentier seconded the motion and was approved unanimously.

Member Jackson moved for a negative determination of **RDA 1762 at 32 Horton Street**; Member Charpentier seconded the motion and was approved unanimously.

AMD NOI 028-2833 - 39R Nashua Avenue (Robert Stern) *Amendment to NOI 028-2833 to widen access road in Buffer Zone to Coastal Resource Area and LSCSF.*

Michael Faherty, represented the applicant. Mr. Faherty explained the project to construct a single family home on the lot was previously permitted and they are seeking an amendment to the Order of Conditions. He explained shortly after the start of the project a letter was sent to the applicant regarding the construction activity. He explained the issue is regarding the roadway coming in from Nashua Avenue. But on November 4th the applicants were served with a letter stating they could no longer use the roadway they were using. Mr. Faherty explained the area in question is adjacent to the property at 9 Diamond Ave. In this area they installed a silt fence and barrier last summer which was shown on the original site plan. Mr. Faherty pointed out in photos displayed on the screen that the area in question now has kayaks along the wall and tree stumps. He explained the owners at 9 Diamond Ave claim the property lines are further out from the rock wall along the property. Mr. Faherty said they have tried to engage with the owners but have been unsuccessful. So now they are asking for an amendment to the order of conditions to remove 5 ft of vegetation along Ocean Avenue and create an access road for the property. He explained this access point is entirely in a roadway on Ocean Avenue. He also stated

they do not agree with the assertion of the property line but they are looking for permission to remove the briers and create a travel way. Mr. Faherty mentioned that the area is cut often and is flat.

Member Gulla opened the project comment period.

Diane Gustin, 9 Diamond Avenue, said she would like to correct some information. She explained that the trucks started coming into her lawn, so she hired surveyors to mark the property boundaries. She mentioned she asked the drivers to stop driving on the property. She explained they did not listen so she sent the cease and desist to the applicant.

Meredith Flynn-Ripley, 14 Nashua Avenue, explained she belongs to the Diamond Cove Association. She said that the briers are not cut all the time. She explained the area is a natural place and they do not want a road in that area. She explained that it is a ghost road and it's not a road, and it shouldn't be turned into a driveway. She does not believe this has been properly communicated to the Diamond Cove Association.

Member Gulla closed the project comment period.

ROLL CALL FOR COMMISSION COMMENTS:

Member Charpentier asked if there was another access point to the property.

Member Cook said he is not sure where the orientation of the pictures are coming from, in relation to the site plan.

Member Gradwohl said it looks like there is another access point to the property and that should be considered.

Member Sargent said they would need to mitigate the loss of the vegetation.

Member Sherman said the work that has already taken place on the site has degraded wildlife habitat. He mentioned the area described as just briers is much more than that. He does not believe they should permit this without a resolution to the property line dispute. He also mentions he believes they would need to remove more than 5ft of vegetation for larger construction vehicle access.

Member Gulla shares the concerns with Member Sherman but he is not worried about the road and property lines, that is not his concern. He agrees that the vegetation loss needs to be mitigated. He is concerned about the impact the loss of briers has on resources.

Member Jackson said she doesn't want to see the loss of briers but the briers do grow back fairly quickly. She is concerned about whose property it is exactly, and who would be responsible for the mitigation if it's permitted.

Mr. Faherty explained a site map that was displayed on the screen.

Member Cook asked where the location of the rock wall was on the site plan.

Mr. Faherty pointed out the area in question, which includes the rock wall along 9 Diamond Ave, and the lot owned by the Diamond Cove Association. He also pointed out the driveway off of Nashua Avenue south of the project. He continued to explain the area in question. He explained the path south of the property is not a driveway, it's simply a

walking path. He explained these are the reasons why they are asking for the amendment. He mentioned the area that's owned by Diamond Cove Association and wanted to ensure they will not go into that property at all. He explained they need the access point that is south of this property. Mr. Faherty said a site visit would be helpful because the pictures are not sufficient to show the property lines.

Member Cook asked what the applicant will use as a driveway as a regular basis.

Mr. Faherty said what you're seeing on the map.

Member Cook said then you're asking us to approve a fulltime road.

Mr. Faherty said that is already an existing roadway. He said the applicant has used this in the past. He said they are confident they do have the right to block it from using the roadway and removing the briers.

Member Gulla said the Commission does not get involved in property line disputes. He said you're asking to remove briers. He said the applicant will have to propose mitigation for the removal of the vegetation. Mr. Gulla said they are not worried about the access points but they are worried about the impact to the habitat.

Mr. Faherty asked if the Commission would make a site visit.

Member Gulla said yes that would make sense.

Member Jackson moved to continue the hearing for **AMD NOI 028-2833 at 39R Nashua Avenue** to the meeting of March 15th; Member Charpentier seconded and was approved unanimously.

NOI 028-2909 243 East Main Street (Andrew Campbell) *Renewal of Chapter 91 permit for existing float and ramp in Coastal Resource Area and Land Subject to Coastal Storm Flowage.*

Andrew Campbell, 243 East Main Street, explained he needs to relicense the existing dock that was installed in 1994. He said during this process he realized the original plans were different from the actual dimensions of the dock.

Member Gulla opened and closed the project comment period.

ROLL CALL FOR COMMISSION COMMENTS:

Member Jackson moved to close the public hearing for **NOI 028-2909 at 243 East Main Street**; Member Charpentier seconded and was approved unanimously.

Member Jackson moved to approve **NOI 028-2909 at 243 East Main Street**; Member Charpentier seconded and was approved unanimously.

NOI 028-2908 179 Hesperus Avenue (Fran White) *Replacement of Septic System in Riverfront Area and Buffer Zone to Bordering Vegetated Wetland.*

Dan Ottenheimer, Mill River Consulting, represented the applicant. He explained the project is at an existing single family home, and the resource area is adjacent to the house. Mr. Ottenheimer explained the project is to replace the septic system and they did a perc test in the presence of the Health department, and the design has been approved by the Board of Health. He explained the new septic system will be in the same general area as the old one, along the side of the house. He said the major difference is the new septic system is a more advanced septic system versus the old conventional system. They are also proposing a temporary access roadway and the roadway will be removed at the end of the construction. He said they will install an erosion control barrier to protect the stream and bordering vegetated wetland. He said the property is within the riverfront area so they did complete an alternatives analysis.

Member Gulla opened and closed the project comment period.

ROLL CALL FOR COMMISSION COMMENTS:

Member Jackson moved to approve the alternatives analysis for **NOI 028-2908 at 179 Hesperus Avenue**; Member Charpentier seconded and was approved unanimously.

Member Jackson moved close the public hearing for **NOI 028-2908 at 179 Hesperus Avenue**; Member Charpentier seconded and was approved unanimously.

Member Jackson moved to approve **NOI 028-2908 at 179 Hesperus Avenue**; Member Charpentier seconded and was approved unanimously.

NOI 028-2908 159 & 169A East Main Street (Phil Dunn, NSD Real Estate LLC) *Construction of a parking area, patio and building renovations in Land Subject to Coastal Storm Flowage.*

Elizabeth Wallace, Hayes Engineering, Inc, represented the applicant. Ms. Wallace explained the project is at 159 & 169A East Main Street, the current business is a dentist office. The entrance adjacent to the property is a city utility easement property, and all paved. Ms. Wallace explained the pavement is in poor conditions. She said the project is to turn the building into mixed usage with residential on the second floor and commercial on the first floor. She showed the site plan and explained the project is to renovate the existing building. The other portion of the project includes repaving the parking lots and entrance way and making the entrances ADA compliant. Overall the project will decrease the overall impervious area. She explained the project is within land subject to coastal storm flowage.

Member Gulla opened the project comment period.

Phil Dunn, NSD real estate and project manager. Mr. Dunn mentioned in order to make

the property ADA compliant, they will have to regrade the area. He mentioned they are waiting for a lot line adjustment from the City.

Alicia, asked who is NSDJ real estate.

Member Gulla said they are the property owner or manager of the property.

Alicia said she is concerned about the amount of pavement being placed so close to the ocean and the potential for chemical runoff.

Member Gulla closed the project comment period.

ROLL CALL FOR COMMISSION COMMENTS:

Member Cook asked if the intent is to level the parking lot with the retaining wall. He is concerned about the runoff in the area.

Member Sargent asked if there is a coastal bank associated with the property and if the project could be in the buffer zone

Member Gulla said the site plan is tough to read and he would like to complete a site visit

Member Jackson said she agrees with the other Commissioners in regards to the runoff.

Ms. Wallace said a site visit is a good idea, and said Mr. Capachietti could address the drainage questions.

Member Jackson moved to continue the hearing for **NOI 028-2908 at 159 & 169A East Main Street** to the meeting of March 15th; Member Charpentier seconded and was approved unanimously.

NOI 028-XXXX 40 Thurston Point (James and Lynda Hemeon) *Demolition of existing dwelling and construction of SFH in Riverfront Area, Buffer Zone to Coastal Resource Area and Land Subject to Coastal Storm Flowage.*

Member Gulla recused himself.

John Dick, represented the applicant. Mr. Dick explained the project is to raze the existing dwelling, and construct a single family home, which will be 1000 sq ft larger, and the new home will be rotated slightly. He explained the new home will be built on the existing footprint. Mr. Dick said there's also an existing garage and they are using the same footprint as the previous house so they can have a smaller impact. He mentioned if they moved the house further back the footprint would have a larger impact. He displayed the landscape plan and explained its majority native plantings and includes 2800 sq ft of plantings. He said the driveway is expanding by 302 sq ft and the total impervious area increase on the site is 1315 sq ft. Mr. Dick said the ratio is 2:1. He also mentioned the potential for leaching pits to deal with the runoff from the new roof. He said there is a chance the leaching pits are not functional and there is a chance the runoff from the roof would not be 100% recharged. Mr. Dick said the new landscaping will help improve the steep slope of the backyard lawn and potentially deal with runoff. He explained the

Riverfront Area ends along the driveway and the coastal bank is right in front of the lawn, and the land subject to coastal storm flowage ends in the front of the lawn as well.

Member Jackson opened and closed the project comment period.

ROLL CALL FOR COMMISSION COMMENTS:

Member Gradwohl asked if the stonewalls were included in the impervious area calculations.

Member Sargent asked what the percentage of native plantings being used is, and if the non-native species are good for wildlife habitat

Member Sherman asked if the new house could be moved further away from the resource and the existing site could be mediated into wildlife habitat

Member Jackson said she is concerned moving the house further would have a larger impact, and wondered if this project fell under the redevelopment category even though the footprint is expanding.

Conservation Agent Chuck Schade said it is redevelopment but if the house expanded into areas where there are no degraded areas then that portion would be treated as new development.

Mr. Dick said the stonewalls are dry laid, and the site is peppered with ledge and stones. He mentioned part of the NOI is to investigate the two proposed leaching areas for runoff purposes. He said the stonewalls will reduce the slope to 4%. He estimated that 80% of the landscaping is native and the proposed ornamental perennials will still provide pollinator habitat. He explained the relocating of the house will not have a benefit because there is an existing dwelling and foundation.

Member Charpentier moved to approve the alternatives analysis for **NOI 028-XXXX at 40 Thurston Point**; Member Gradwohl seconded and was approved unanimously.

Member Charpentier moved to continue the hearing for **NOI 028-XXXX at 40 Thurston Point** to the meeting of March 15th; Member Gradwohl seconded and was approved unanimously.

VII. CERTIFICATES OF COMPLIANCE

***RCOC 028-2738 – 21 Wingersheek Road** Demolition and reconstruction of existing decks and addition of a dormer to a single family home in Coastal Dune.*

***RCOC 028-2700 – 7 Pebble Path Road** Demolition and reconstruction of a single family home in Coastal Dune and LSCSF.*

Conservation Agent Chuck Schade said projects looked good.

Member Charpentier moved to approve **RCOC 028-2738 at 21 Wingersheek Road** and **RCOC 028-2700 at 7 Pebble Path Road**; Member Gradwohl seconded the motion and was approved unanimously

VIII. VIOLATIONS

18 Quarry Road – (Jeffrey Pittman) *Removal of vegetation, alteration of bank along intermittent stream, and fill within Buffer Zone to BVW.*

Jeffrey Pittman, 18 Quarry Street, explained the plan. He said he is going to reuse the existing granite to fit the wall, and plant blueberries along the banking, and pink tickseed. He plans to plant bluegrass and loam and potentially trim some limbs on a tree. He also mentioned there is a shed he would like to rebuild, and stairs he wants to replace with a deck.

Member Cook recused himself.

Member Charpentier asked if a new deck was being proposed

Mr. Pittman said yes to replace the stairs

Member Sargent said this sounds like an RDA or NOI

Member Sherman agrees

Member Jackson said the project needs to be looked at in two parts, one for the violation and one for the newly proposed deck and shed relocation. She said a new plan should be submitted showing the plantings and complete an RDA for the deck, and shed. Member Jackson explained the RDA process to Mr. Pittman and asked the reasoning behind trimming the limbs.

Mr. Pittman said they're overhanging and this way it lets more light in to help with the growth of the vegetation.

Member Jackson asked Mr. Pittman to speak with Corliss regarding the tree limbs to ensure no damage to the tree.

Member Sherman wanted to ensure Mr. Pittman understood no other work can happen with the RDA filing.

Mr. Schade said the stream is an intermittent stream, and starts from the quarry and ends at a downstream wetland. He explained the buffer zone is for the quarry and the wetlands around it.

Member Jackson asked if Mr. Pittman had any questions.

Mr. Pittman said he will complete the forms.

Member Jackson said they will expect an update in a few weeks.

Member Gradwohl asked about signing forms for the permits.

Member Charpentier made a motion to adjourn, Member Gradwohl seconded and the

motion was approved unanimously.

Respectfully submitted,

Assistant Conservation Agent Devon Harrington